

SENATE BILL No. 490

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11; IC 3-12.

Synopsis: Recounts and contests. Requires that, after December 31, 2015, the words "absentee ballot" be printed in prominent type with uniform capital letters at the top of every absentee ballot prepared and printed by a county election board. Eliminates the requirement that the third member of a recount commission be a mechanic. Requires that all: (1) contracts or leases for the sale or lease of; or (2) service contracts for preelection and election day maintenance or support of; voting equipment, systems, or software entered into, amended, or renewed after December 31, 2015, must include a provision that requires the vendor or service provider of the voting equipment, systems, or software, in the event of a contest or recount of an election in which the vendor's or service provider's voting equipment, systems, or software is used, to provide to the recount commission a competent expert who is familiar with the voting equipment, systems, or software used in the election. Provides that multiple recount petitions, in order to be consolidated, must be filed not later than noon on the fourteenth day (in the case of petitions filed by candidates) or seventeenth day (in the case of petitions filed by county chairmen) after election day. (Under current law, the petitions must be filed not later than noon on the seventh day after election day.)

Effective: July 1, 2015.

Young R Michael

January 14, 2015, read first time and referred to Committee on Elections.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 490

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-11-4-14, AS AMENDED BY P.L.66-2010,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 14. (a) All absentee ballots other than those
4 specified in section 12.5 of this chapter shall be prepared and printed
5 under the direction of each county election board. After completing the
6 estimate required by section 10 of this chapter and receiving all
7 certifications from the election division required under IC 3-8 or
8 IC 3-10, the county election board shall immediately proceed to
9 prepare and have printed the ballots.
- 10 **(b) After December 31, 2015, all absentee ballots prepared and**
11 **printed by a county election board under subsection (a) must have**
12 **the words "absentee ballot" printed at the top of the ballot in**
13 **prominent type with uniform capital letters.**
- 14 **(b) (c)** Except as provided in subsection ~~(c)~~, **(d)**, ballots prepared by
15 the county election board under this section must provide space for the
16 voter to cast a write-in ballot.



(d) Space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

SECTION 2. IC 3-11-7-18, AS AMENDED BY P.L.221-2005, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) The county executive shall file a copy of all contracts, leases, or purchase orders, including modifications, for the sale or lease of voting equipment, systems, or software with the election division.

(b) The documents listed in subsection (a) must be filed not later than thirty (30) days after the date of approval of the contract, lease, or purchase order by the county executive.

(c) All:

(1) contracts or leases for the sale or lease of; or

(2) service contracts for preelection and election day maintenance or support of;

voting equipment, systems, or software entered into, amended, or renewed after December 31, 2015, must include a provision that requires the vendor or the service provider of the voting equipment, systems, or software, in the event of a contest or recount of an election in which the vendor's or service provider's voting equipment, systems, or software is used, to provide to the recount commission a competent expert who is familiar with the voting equipment, systems, or software used in the election.

SECTION 3. IC 3-11-7.5-27, AS AMENDED BY P.L.221-2005, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 27. (a) The county executive shall file a copy of all contracts, leases, or purchase orders, including modifications, for the sale or lease of voting equipment, systems, or software with the election division.

(b) The documents listed in subsection (a) must be filed not later than thirty (30) days after the date of approval of the contract, lease, or purchase order by the county executive.

(c) All:

(1) contracts or leases for the sale or lease of; or

(2) service contracts for preelection and election day maintenance or support of;

voting equipment, systems, or software entered into, amended, or renewed after December 31, 2015, must include a provision that requires the vendor or the service provider of the voting equipment, systems, or software, in the event of a contest or



1 **recount of an election in which the vendor's or service provider's**
 2 **voting equipment, systems, or software is used, to provide to the**
 3 **recount commission a competent expert who is familiar with the**
 4 **voting equipment, systems, or software used in the election.**

5 SECTION 4. IC 3-12-6-8 IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) Two (2) or more candidates
 7 for nomination or election to the same or a different office at the same
 8 election may join in a petition for a recount.

9 (b) Except as provided in subsection (d), if more than one (1)
 10 petition for a recount is filed in a county ~~no~~ **not** later than noon ~~seven~~
 11 ~~(7) days of the fourteenth day (in the case of petitions filed under~~
 12 **section 2(a) of this chapter) or the seventeenth day (in the case of**
 13 **petitions filed under section 2(b) of this chapter)** after election day,
 14 whether in the same court of the county or not, the petitions shall be
 15 consolidated under the first petition filed. If a transfer of petitions from
 16 one (1) court of the county to another court of the county is necessary
 17 to effect the consolidation, then the court in which the subsequent
 18 petitions were filed shall order the transfer.

19 (c) If more than one (1) petition for a recount is filed for an office
 20 in more than one (1) county, the circuit court for the county casting, on
 21 the face of the election returns, the highest number of votes for the
 22 office shall assume jurisdiction over all petitions and cross-petitions
 23 concerning the office. If a transfer of petitions or cross-petitions from
 24 one (1) court to another is necessary to effect the consolidation in the
 25 circuit court, then any other court in which a petition or cross-petition
 26 was filed shall order the transfer.

27 (d) A petition for a recount filed for an election in different
 28 municipalities, whether in the same court of the county or not, may not
 29 be consolidated.

30 SECTION 5. IC 3-12-6-16, AS AMENDED BY P.L.194-2013,
 31 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2015]: Sec. 16. (a) A recount commission consists of three (3)
 33 persons.

34 (b) Two (2) members of the commission must be voters who:

- 35 (1) are members of different major political parties of the state;
- 36 and
- 37 (2) were qualified to vote at the election in a county in which the
- 38 election district for the office is located.

39 (c) ~~This subsection applies to a recount commission conducting a~~
 40 ~~recount of an election in which only paper ballots were used.~~ The third
 41 member of the commission must be a person who:

- 42 (1) is a member of a major political party of the state; and



1 (2) was qualified to vote at the election in the election district of
2 the office.

3 (d) ~~This subsection applies to a recount of an election in which a~~
4 ~~voting method other than only paper ballots was used. The third~~
5 ~~member of the commission must be a competent mechanic who is~~
6 ~~familiar with the ballot card voting systems or electronic voting~~
7 ~~systems used in that election. The mechanic is not required to be~~
8 ~~qualified to vote at the election in a county in which the election~~
9 ~~district for the office is located.~~

10 SECTION 6. IC 3-12-12-11, AS AMENDED BY P.L.221-2005,
11 SECTION 131, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) A recount commission
13 consists of three (3) persons.

14 (b) Two (2) members of the commission must be voters who:

15 (1) are members of different major political parties of the state;
16 and

17 (2) were qualified to vote at the election in a county in which the
18 election district that voted on the public question is located.

19 (c) ~~This subsection applies to a recount commission conducting a~~
20 ~~recount of an election in which only paper ballots were used. The third~~
21 ~~member of the commission must be a person who:~~

22 (1) is a member of a major political party of the state; and

23 (2) was qualified to vote at the election in a county in which the
24 election district that voted on the public question is located.

25 (d) ~~This subsection applies to a recount of an election in which a~~
26 ~~voting method other than only paper ballots was used. The third~~
27 ~~member of the commission must be a competent mechanic who is~~
28 ~~familiar with the ballot card voting systems or electronic voting~~
29 ~~systems used in that election. The mechanic is not required to be~~
30 ~~qualified to vote at the election in a county in which the election~~
31 ~~district that voted on the public question is located.~~

